

## **EXHIBIT A**

**Affidavit of Gary L. Willford, Jr.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DANIEL BRYAN KELLY, )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 2:05-cv-1150-MHT-DRB  
RICKY OWENS, et al., )  
Defendants. )

AFFIDAVIT OF GARY L. WILLFORD, JR.

STATE OF ALABAMA )  
COUNTY OF MONTGOMERY )

BEFORE ME, the undersigned authority and Notary Public in and for said County and State at large, personally appeared Gary L. Willford, Jr., who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Gary L. Willford, Jr. I am over the age of nineteen and competent to make this affidavit.

2. I am an attorney licensed to practice law in Alabama and California. I am admitted to the bar of all the federal courts in Alabama and the Eleventh Circuit Court of Appeals.

3. Together with Kendrick E. Webb, I represent Defendants Coosa County Sheriff Ricky Owens and the Coosa County Commission in the above-styled cause.

4. I was the attorney charged with primary responsibility for drafting Sheriff Owens and the Coosa County Commission's motions to dismiss and supporting briefs.

5. While reading the Plaintiff's opposition briefs to the motions to dismiss I filed on behalf of my clients, I noted that the Plaintiff conceded that he needed to file an amended complaint. A concession regarding the necessity of an amendment appears in both opposition briefs. (Doc. 26 at p. 2 n. 1; Doc. 27 at p. 2 n. 1.)

6. In light of these concessions, I called the Plaintiff's attorney, Mr. Stockham on or about March 8, 2006. I requested that he go ahead and file an amended complaint. I expressed to Mr. Stockham my concern that my clients would be forced to incur the expense of filing utterly unnecessary reply briefs.

7. Mr. Stockham sounded unconcerned and stated that he believed the Court would simply allow the briefs to apply to the amended complaint when he filed it. I informed him that such had not been my experience in the Middle District and that we would likely have to start from scratch with a whole new set of motions to dismiss geared specifically towards the amended complaint. Nonetheless, Mr. Stockham did not agree to file an amended complaint.

8. We also discussed the fact that the copy of the Complaint in the Court's PACER system was missing two pages. My Stockham stated that he would correct that error. He did so approximately two days later.

9. In light of Mr. Stockham's statements, I felt I had no choice but to draft reply briefs for my clients. When an amended complaint was not filed prior to the due date of the reply briefs set by the Court, I filed the reply briefs with the Court.

10. Mr. Stockham did not file an Amended Complaint on behalf of the Plaintiff until after I drafted and filed reply briefs for Sheriff Owens and the Commission and attended an oral argument on behalf of Sheriff Owens. The amendment followed the above-referenced telephone conversation by nearly two months.

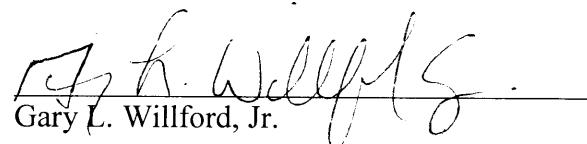
11. In light of the significant citation to case law and fine arguments presented in the Plaintiff's opposition briefs, the undersigned deemed it necessary to obtain assistance to meet the deadline set by the Court for reply briefs.

12. A total of three attorneys at Webb & Eley worked on the reply briefs. In all, these attorneys spent approximately 58.55 hours working on the reply briefs at an hourly rate of \$115.00/hour for myself and one of the attorneys and \$110.00/hour for the third attorney.

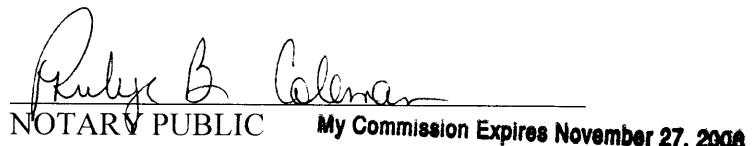
13. Six Thousand Six Hundred Fifty-Six Dollars and 25/100 (\$6,656.25) was billed for services rendered in researching, drafting, and filing the reply briefs.

14. With respect to the Defendants' Opposition to the Plaintiff's Motion to Amend, I researched and drafted the entire brief in addition to the instant affidavit. The total time spent on this effort was 10.50 hours.

15. I swear to the best of my present knowledge and information that the above statements are true, that I am competent to make this affidavit, and that the above statements were made by drawing from my personal knowledge of the situation.

  
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Gary L. Willford, Jr.

SWORN TO and SUBSCRIBED before me this 9<sup>th</sup> day of May, 2006.

  
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NOTARY PUBLIC      My Commission Expires November 27, 2006

My Commission Expires: \_\_\_\_\_